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Date: 24 Sep 2003

To: Mr. Joseph Maraia	From: Ella Colbert
Application/Control Number: 09/136,244	Art Unit: 3624
Fax No.: 978-341-0136	Phone No.: 703-308-7064
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Re: Office Action	CC:

Urgent For Review For Comment For Reply Per Your Request

Comments:

Please confirm receipt of these documents.

18
Number of pages 19 including this page

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/136,244	08/19/1998	MORDECHAI M. BEIZER	76179DAN	1470

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EXAMINER

COLBERT, ELLA

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 01/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/136,244	BEIZER ET AL.
	Examiner	Art Unit
	Ella Colbert	3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 19 November 2002.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 and 15-58 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-13 and 15-58 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

1. Claims 1-13 and 15-58 are pending in this communication filed 11/19/02 entered as Response, paper no. 24.
2. The Change of Address filed 09/25/02 has been entered as paper no. 23.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-13 and 15-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,819,295) Nakagawa et al, hereafter Nakagawa and (US 5,873,103) Trede et al, hereafter Trede.

With respect to claim 1, Nakagawa teaches the at least one structured workfolder for storing and organizing electronic documents which the documents may or may not exist at the time of the workfolder creation (col. 2, lines 30-41, col. 5, lines 4-7, and col. 8, lines 4-13) and the workfolder containing a contents node for storing primary data, the contents node containing one or more placeholders within the workfolder for new documents expected to be added to the workfolder via the placeholder (col. 2, lines 30-56), and wherein each placeholder includes a file object hook to which a primary data document can later be linked and a deadline element having a triggering condition field for storing a triggering event and an indicated time period relative to the occurrence of the triggering event (col. 5, lines 32-43 and col. 7, lines 39-63). Nakagawa did not

teach, each placeholder being a respective slot or a contents node. The Trede et al reference discloses, each placeholder being a respective slot (col. 6, lines 51-60) and a contents node (col. 8, lines 30-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have each placeholder to be a respective slot by incorporating the teachings of Nakagawa in Trede as taught by Trede because this facilitates the use of holding a place in a hierarchical file system of folders for managing electronic documents when old versions of documents are stored or moved (Nakagawa reference, col. 2, lines 10-21).

With respect to claim 2, Nakagawa teaches, the contents element further contains one or more section elements for categorizing the primary data (col. 2, lines 42-48 and col. 3, lines 64-67 and col. 4, lines 1-12).

With respect to claim 3, Nakagawa teaches, a link to a document, and a nested section element (col. 7, lines 18-56). Nakagawa did not explicitly teach, the section elements contain one or more of a placeholder. Trede teaches the section elements contains one or more of a placeholder (col. 6, lines 32-60). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the section elements to contain one or more placeholders by incorporating the teachings of Nakagawa in Trede as taught by Trede because this facilitates the use of holding a place in a hierarchical file system of folders for managing electronic documents and section elements when documents are classified in the different layers and linked according to the hierarchical structure (Nakagawa reference col. 7, lines 18-21).

With respect to claim 4, Nakagawa teaches, the link identifies a document embedded in the workfolder (col. 8, lines 20-65).

With respect to claim 5, Nakagawa teaches, the link identifies a document external to the workfolder (col. 7, lines 19-26 and fig. 2).

With respect to claim 6, the contents node further contains at least one link to a document (col. 7, lines 19-22 and fig. 2.).

With respect to claim 7, this dependent claim is rejected for the similar rationale given for claim 4.

With respect to claim 8, this dependent claim is rejected for the similar rationale given for claim 5.

With respect to claim 9, Nakagawa teaches, a name field for indicating the data content of the document to be placed in the workfolder and a file object hook to which the primary data document can later be linked (col. 7, lines 39-63).

With respect to claim 10, this dependent claim is rejected for the similar rationale given for claims 1 and 9.

With respect to claim 11, Nakagawa teaches, a status element indicating a status for a document linked to the placeholder (col. 4, lines 66-67, col. 5, lines 1-25, and col. 18-56).

With respect to claim 12, this dependent claim is rejected for the similar rationale given for claim 11.

With respect to claim 13, Nakagawa teaches, a deadline element further includes a field indicating the time period for taking a particular action associated with the placeholder (col. 5, lines 32-43).

With respect to claim 15, this dependent claim is rejected for the similar rationale given for claim 1.

With respect to claim 16, this dependent claim is rejected for the similar rationale given for claim 1.

With respect to claim 17, this dependent claim is rejected for the similar rationale given for claim 1.

With respect to claim 18, Nakagawa teaches, the workfolder further comprises a task data element containing one or more tasks which define a set of steps required to complete a unit of work, each task having a name field ... (col. 11, lines 18-29).

With respect to claim 19, Nakagawa teaches, the task element further comprises an assignment field for indicating one or more users responsible for performing the particular task (col. 11, lines 63-67 and col. 12, lines 1-5).

With respect to claim 20, this dependent claim is rejected for the similar rationale given for claim 13.

With respect to claim 21, this dependent claim is rejected for the similar rationale given for claim 1 .

With respect to claim 22, Nakagawa teaches, the workfolder further comprises meta-data related to the primary data stored under the contents node (col. 7, lines 57-67 and col. 8, lines 1-12).

With respect to claim 23, Nakagawa teaches, the meta-data comprises a history element for storing a log of changes made to the workfolder (col.9, lines 10-35).

With respect to claim 24, Nakagawa teaches, the changes made to the workfolder, the log contains data fields for including information indicating at least one change was made, ... (col. 8, lines 39-67 and col. 9, lines 1-25).

With respect to claim 25, Nakagawa teaches, user-definable data fields relating to one or more properties of the workfolder (col. 8, lines 51-65).

With respect to claim 26, this dependent claim is rejected for the similar rationale given for claim 12.

With respect to claim 27, Nakagawa teaches, one or more embedded computer program scripts which provide functions related to the workfolder when the scripts are executed by the computer (col. 1, lines 24-35).

With respect to claims 28-31, these claims are rejected for the similar rationale given for claims 1, 2, 18, and 22. Nakagawa did not teach, a template, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to use a template for this purpose because a template is well known in the art as a pattern for arranging or matching things and a template in this instance can be used for matching instances of a structured workfolder. Nakagawa did not teach, the documents may or may not exist at the time of workfolder creation and the documents being linkable subsequent to their creation (col. 7, lines 11-31), but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have documents that may or may not exist at the time of workfolder creation and the

documents linkable subsequent to their creation and to modify in Nakagawa in view of Nakagawa's teachings of folder management and one of the document type identifiers indicating that it is not a document but a classification node because such a modification would allow Nakagawa's folder management system to have created documents prior to the creation of a workfolder and to make the documents linkable prior to being created. The folder is created by the user and arranged in a hierarchy of folders according to the users preference then it is determined if a document is to be filed.

With respect to claim 32, this dependent claim is rejected for the similar rationale given for claim 23.

With respect to claim 33, this dependent claim is rejected for the similar rationale given for claim 24.

With respect to claim 34, this dependent claim is rejected for the similar rationale for claim 26.

With respect to claim 35, this dependent claim is rejected for the similar rationale given for claim 27.

With respect to claim 36, this dependent claim is rejected for the similar rationale given above for claim 25.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 37-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over (US 5,873,103) Trede et al, hereafter Trede in view of (US 5,873,103) Nakagawa et al, hereafter Nakagawa.

With respect to claim 37, Trede teaches, creating a structured workfolder root node, the root node containing a contents element for storing primary data (col. 2, lines 30-65, col. 6, lines 46-54, col. 8, lines 27-50, and fig. 9) and creating at least one placeholder being a slot that has been reserved for new documents which may or may not exist at the time of workfolder creation and expected to be linked to the workfolder via a placeholder (col. 2, lines 30-56). Trede did not teach, wherein the placeholder includes a file object hook to which a primary data document can later be linked and a deadline element having a triggering condition field for storing a triggering event and an indicated time period relative to the occurrence of the triggering event. Nakagawa discloses, wherein the placeholder includes a file object hook to which a primary data document can later be linked and a deadline element having a triggering condition field for storing a triggering event and an indicated time period relative to the occurrence of the triggering event (col. 5, lines 32-43 and col. 7, lines 39-63). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have the placeholder includes a file object hook to which a primary data document can later be linked and a deadline element having a triggering condition field for storing a triggering event and an indicated time period relative to the occurrence of the triggering event and to by incorporating the teachings of Nakagawa in Trede because this

facilitates the use of holding a place in a hierarchical file system of folders for managing electronic documents when old versions of documents are stored or moved (Nakagawa reference, col. 2, lines 10-21) and allows a document to be linked. A hierarchy by definition is an organization, like a tree, branches into more specific units, each of which is "owned" by the higher-level unit immediately above and organizational frameworks reflect logical links, or relationships between records, files, or pieces of equipment.

Trede did not teach, the documents may or may not exist at the time of workfolder creation, but it would have been obvious to one having ordinary skill in the art at the time the invention was made to have documents that may or may not exist at the time of workfolder creation and to modify in Trede because such a modification would allow Trede's folder management system to have created documents prior to the creation of a workfolder and to make the documents linkable prior to being created. The folder is created by the user and arranged in a hierarchy of folders according to the user's preference then it is determined if a document is to be filed.

With respect to claim 38, this dependent claim is rejected for the similar rationale given for claim 2.

With respect to claim 39, this dependent claim is rejected for the similar rationale given for claim 3.

With respect to claim 40, this dependent claim is rejected for the similar rationale given for claim 3.

With respect to claim 41, this dependent claim is rejected for the similar rationale given for claims 1 and 4-7.

With respect to claim 42, this dependent claim is rejected for the similar rationale given for claim 8.

With respect to claim 43, this dependent claim is rejected for the similar rationale given for claim 10.

With respect to claim 44, Trede did not teach, providing limits on at least one of the file name and file type of a document which can be linked to the placeholder.

Nakagawa teaches, providing limits on at least one of the file name and file type of a document which can be linked to the placeholder (col. 7, lines 18-56). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide limits on at least one of the file name and file type of a document that can be linked to a place holder and to combine Trede's structured workfolder with Nakagawa's providing limits on at least one of the file name and file type of a document that can be linked to a placeholder because such a combination would allow only a user with access permission to have access to the document in the folder which is linked to the placeholder.

With the respect to claim 45, this dependent claim is rejected for the similar rationale given for claim 11.

With respect to claim 46, this dependent claim is rejected for the similar rationale given for claim 12.

With respect to claim 47, this dependent claim is rejected for the similar rationale given for claim 13.

With respect to claim 48, this dependent claim is rejected for the similar rationale given for claim 15.

With respect to claim 49, this dependent claim is rejected for the similar rationale given for claim 16.

With respect to claim 50, this dependent claim is rejected for the similar rationale given for claim 17.

With respect to claim 51, this dependent claim is rejected for the similar rationale given for claim 18.

With respect to claim 52, this dependent claim is rejected for the similar rationale given for claim 19.

With respect to claim 53, this dependent claim is rejected for the similar rationale given for claim 19.

With respect to claim 54, this dependent claim is rejected for the similar rationale given for claim 22.

With respect to claim 55, this dependent claim is rejected for the similar rationale given for claim 23.

With respect to claim 56, this dependent claim is rejected for the similar rationale given for claim 25.

With respect to claim 57, this dependent claim is rejected for the similar rationale given for claim 26.

With respect to claim 58, this dependent claim is rejected for the similar rationale given for claim 27.

Response to Arguments

7. Applicant's arguments filed 11/19/02 have been fully considered by the Examiner.

Applicants' argue: To establish a *prima facie* case of obviousness 1) all claim limitations must be taught or suggested; 2) some teaching, motivation or suggestion to combine must be present in a person of ordinary skill in the art or in the cited references; and 3) there must be a reasonable expectation of success has been considered and the Examiner does not fully agree because based on the motivation need not be expressed in a reference used to show obviousness. It is assumed that which is not taught in the reference relies to some extent on the knowledge of persons skilled in the art to complement that which is known and the skilled artisan is presumed to know something more about the art than only what is disclosed in the applied reference.

Sources of Rationale Supporting a Rejection under 35 U.S.C. 103: Rationale may be in a reference, or reasoned from common knowledge in the art, scientific principles, art- recognized equivalents, or legal precedent. See MPEP 2144.

2. Applicants' argue: Nakagawa does not imply or suggest singularly or in any combination with the prior art a placeholder, a file object hook, or a deadline element as claimed in the present invention and in contrast, the file object hook and deadline element of the present invention are part of the low level structure (specific configuration) of the placeholder ("a slot that has been reserved for new document") of the present invention has been considered but is not persuasive because it is not

interpreted as being disclosed or suggested from Applicants' claim limitations that the file object hook and deadline element of the present invention are part of the low level structure (specific configuration) of the placeholder ("a slot that has been reserved for new document"). It is interpreted that Nakagawa teaches, the file object hook "allows actual files to be later attached or linked to the placeholder" and the deadline element "indicates a triggering condition and a period of time by which a deadline must be satisfied" in col. 5, lines 31-43 ("a document in a version having a number exceeding a predetermined number counted from the latest version of the folder is designated as an object of the move in the document entity ... ,a document in a version having a number exceeding a predetermined period having elapsed." - time period by which a deadline element must be satisfied).

3. Applicants' argue: The term "placeholder" in Trede has a different meaning than the term "placeholder" in the present invention has been considered but is not persuasive based on the term "placeholder" is a slot or space for reserving a place which is well known in the art. It is also, noted by the Examiner that the Trede Assignee is the same Assignee as for the Applicant. Therefore, based on this finding, the Examiner considers the term "placeholder" to have the same meaning and usage as the Applicant's "placeholder." The Examiner interprets Trede as teaching using placeholders for "reserving" a slot in col. 7, lines 1-20 because Applicants' Specification on page 7, lines 5 and 6 recite "a placeholder is a slot." By definition a "placeholder" is a slot or a space which is left unfilled to place something if something is to be placed in that slot or space. The Examiner acknowledges the term "placeholder" in Trede has a

different meaning than the term “placeholder” in the present invention and the Examiner cannot simply replace the meaning of the term “placeholder” from Trede with that of the present application because they have a common assignee. First, this is because the words of the presented claims (“placeholder”) must be given their meaning unless Applicants’ have provided a clear definition in the specification. In Trede and the present application the term “placeholder” is clearly defined in the respective specification and therefore the respective definition as described in its associated specification should be used in both instances.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

4. Applicants’ argue: In response to Applicants’ argument that there is no suggestion to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Trede discloses a “placeholder” in col. 4, lines 39-42 (“the data file directory resident in the file server 41 that originally contained this data file is updated with a placeholder entry (“leaves a space or slot”) to indicate that this data file has been migrated to backend data storage”).

In conclusion: Applicants' fail to appreciate the breadth of the claims. In particular " the definition of the term "placeholder".

In this instance, Applicants' are attempting to read limitations from the Specification into the claims. What is argued must be in the claim limitations and not read from Applicants' Specification.

In this rejection of claim 1 and others above, for example under Section 103 of Title 35 of United States Code the Examiner carefully drew up a correspondence between the Applicants' claimed limitations and one or more referenced passages in Trede and Nakagawa. The Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the Specification (see below):

2111 Claim Interpretation; Broadest Reasonable Interpretation [R-1]

>CLAIMS MUST BE GIVEN THEIR BROADEST REASONABLE INTERPRETATION

During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification." Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPO 541,550 (CCA 1969).<

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 703-308-7064. The examiner can normally be reached on Monday-Thursday from 6:30 am -5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1038. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for Official communications and 703-746-5622 for Unofficial communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



E. Colbert
January 28, 2003



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Attachment for PTO-948 (Rev. 03/01, or earlier)

6/18/01

The below text replaces the pre-printed text under the heading, "Information on How to Effect Drawing Changes," on the back of the PTO-948 (Rev. 03/01, or earlier) form.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

1. Correction of Informalities ~ 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTO-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made, other than correction of informalities, unless the examiner has approved the proposed changes.

Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

Failure to take corrective action within the set period will result in **ABANDONMENT** of the application.